

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Sam Waln	Ex-Officio Member

IN THE MATTER OF THE PETITION)
FOR ANNEXATION OF CERTAIN LAND)
TO THE CITY OF WADENA)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on July 12, 1976 at Wadena, Minnesota. The hearing was conducted by William A. Neiman, Executive Secretary pursuant to Minnesota Statutes 414.01, Subd. 12 and was continued from time to time. Also in attendance was County Commissioner, Sam Waln, an ex-officio member of the Board. The City of Wadena was represented by Mr. Vincent Brown, Leaf River Township was represented by Sylvester Schmith, and the petitioners were represented by Luther Nervig. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On March 5, 1976, a copy of a petition for annexation by a majority of the property owners was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

South Fifty-seven rods (57) of Government Lot Four (4),
Section Thirty-one (31), Township One Hundred Thirty-five
(135), Range Thirty-five (35).

An objection to the proposed annexation was received by the Minnesota Municipal Board from Leaf River Township on April 26, 1976.

The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

2. Due, timely and adequate legal notice of the hearing was published, served and filed.

3. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Wadena.
- b. The total area of the territory subject to annexation is 25 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: Approximately 25%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Poor soil, high water table, some marsh land, flat.

4. Population Data

- a. The City of Wadena
 - 1) Past population growth: Steady growth since 1940 when the population was 2,916.
 - 2) Present population: In 1970, 4,640 persons
 - 3) Projected population: By 1980, estimated 5,000 persons
- b. The area subject to annexation: Although the area has no population, the township as a whole is growing, and this trend is expected to continue. The area itself will acquire population as the lots are developed.

5. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the State Planning Agency. The planning officer from Wadena County supported the annexation as consistent with the County's comprehensive plan. The area in question joins a 40 acre tract within Wadena, both of these owned by the Merickel Brothers Company. Present plans include developing the entire 65 acres for residential use,

preserving some portions of the marsh land. Presently, the area is divided by different subdivision regulations and governmental units, making an integrated planning approach very difficult. Further a major highway project is planned to the north of this area.

b. What land use controls are presently being employed.

1) In the City of Wadena

a. Zoning - Yes

b. Subdivision Regulations - Yes

c. Housing and Building Codes - Yes, state codes

d. Other - Planning Commission which supports the annexation.

2) In the area to be annexed:

a. Zoning - Yes, by Wadena County. The area to be annexed and the abutting land within the City are both zoned R-1.

b. Subdivision Regulations - Yes, by the County

c. Does the city require future growth space? Yes, there is a limited number of suitable, undeveloped, residential lots. If so, will the area subject to annexation provide the City of Wadena with necessary growth space? Yes, this parcel, combined with the one already within Wadena, will provide a substantial number of lots suitable for residential development.

d. The present pattern of physical development is:

1) In the City of Wadena:

a) Residential - Yes, including substantial construction in the last 5 years.

b) Industrial - Yes, including some new development

c) Commercial - Yes

d) Institutional - Yes

2) In the area subject to annexation: No development

e. What will be the effect, if any, of the annexation on adjacent communities? None.

6. Governmental Services

a. Presently, the Township of Leaf River provides the area subject to annexation with the following services:

1) Water - No

5) Street Improvements -
Unknown

2) Sewer - No

6) Street Maintenance - Yes

3) Fire Protection - No, contracts
with Wadena

7) Recreational - Unknown

4) Police Protection - Unknown

- b. Presently, the City of Wadena provides its citizens with the following services:
- | | |
|----------------------------|--|
| 1) Water - Yes | 5) Street Improvements - Yes |
| 2) Sewer - Yes | 6) Street Maintenance - Yes |
| 3) Fire Protection - Yes | 7) Recreational - Yes |
| 4) Police Protection - Yes | 8) Other - Library, garbage, municipal electricity |

- c. Presently, the City of Wadena provides the area subject to annexation with the following services:

- | | |
|---|--|
| 1) Water - No | 5) Street Improvements - No, but a road immediately to the south of the area has been constructed. |
| 2) Sewer - No | |
| 3) Fire Protection - Yes, by contract with Leaf River | 6) Street Maintenance - No |
| 4) Police Protection - No | 7) Recreational - Yes, all facilities |
| | 8) Other - Library |

- d. Plans to extend municipal services to the area subject to annexation include the following: All services, other than utilities, will rapidly be made available. Utilities will require several years, coinciding with the anticipated, full development of the area. As in the rest of Wadena, utilities will only be supplied upon petition of the property owners.

- e. There are existing or potential pollution problems which are: The area has a high water table and poor soil conditions, creating a potential pollution problem when the area is developed and septic tanks are utilized. The following additional services will help resolve this situation: City sewer, but this program will not be implemented for years. However, this is the required, long-term solution.

7. Fiscal Data

- a. In the City of Wadena, the assessed valuation trend is rising, the mill rate trend is (16.96) rising and the present bonded indebtedness is \$640,000.
- b. In the area subject to annexation, the assessed valuation is 2,250 and the township taxes paid in 1976 were \$41.02.
- c. The mill rate in the township is 5.41.
- d. Will the annexation have any effect upon area school districts? No, the area is in the same school district

as the City of Wadena.

8. Is annexation to the City of Wadena the best alternative?
 - a. Could governmental services be better provided for by incorporation of the area subject to annexation? No.
 - b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Wadena? No.
 - c. Could Leaf River Township provide the services required? No.
 - d. Can Leaf River Township continue to function without the area subject to annexation? Yes, the area has a low assessed valuation.
9. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting annexation.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The area subject to annexation is now or is about to become urban or suburban in character.
3. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.
4. The best interest of the City of Wadena and the area subject to annexation will be furthered by annexation.
5. The remainder of the Township of Leaf River can carry on the functions of government without undue hardship.
6. There is a reasonable relationship between the increase in revenue for the City of Wadena and the value of benefits conferred upon the area subject to annexation.
7. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.
8. This annexation proceeding has been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is not subject to an annexation election.
9. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

IT IS HEREBY ORDERED: That the property described herein situated in the County of Wadena, State of Minnesota, be and the same is hereby annexed to the City of Wadena, Minnesota, the same as if it had been originally made a part thereof:

South Fifty-seven rods (57) of Government Lot Four (4),
Section Thirty-one (31), Township One Hundred Thirty-five
(135), Range Thirty-five (35).

IT IS FURTHER ORDERED: That the effective date of this order is
January 11, 1977.

Dated this 3rd day of February, 1977

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101

William A. Neiman
William A. Neiman
Executive Secretary

#30223
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 4 - 1977
James Anderson Brower
Secretary of State